

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MARRLINA BOLDEN,

Plaintiff

vs.

DALE CUNNINGHAM, GREYHOUND
LINES, INC.

Defendants

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* CASE NO.: 3:07 CV917-SRW
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AMENDMENT TO DEFENDANTS MOTION TO CONSOLIDATE

COME NOW Defendants, Greyhound Lines, Inc. (Greyhound) and Dale Cunningham and amend the Motion to Consolidate the instant action with *Nancy Henderson and Thomas Henderson, Plaintiffs v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No. CV-3:07 cv916MEF by adding the case of *Bon Kieu, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: CV-07-756.

1. Judge W. B. Hand of the United States District Court for the Southern District of Alabama has ordered that the case of *Bon Kieu, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: CV-07-756 be transferred to the United States District Court for the Middle District of Alabama, Eastern Division. (See Judge's Order attached hereto as "Exhibit A").

2. In addition to the instant action and the Henderson case, the Kieu case arises from the same accident and involves the same Defendants.

3. When actions involving a common question of law or fact are pending before the Court, it may order a joint hearing or trial of any or all of the matters in issue in the

actions. It may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. See Fed. R. Civ. P. 42(a).

4. All three of these complaints are based on the same loss and the same controversy. Furthermore, all of these cases are now pending before this Court as independent cases.

5. Consolidation for pretrial and discovery purposes would avoid duplication of pleadings, hearings and depositions.

6. Defendants to this action seek an Order from this Court consolidating the actions pending in the instant case *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW with the cases of *Nancy Henderson and Thomas Henderson, Plaintiffs v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No. CV-3:07 cv916MEF and *Bon Kieu, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: CV-07-756, pursuant to Fed. R. Civ. P. 42(a).

WHEREFORE, Defendants Greyhound and Dale Cunningham, respectfully request that this Court consolidate the instant case with *Nancy Henderson and Thomas Henderson, Plaintiffs v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No. CV-3:07 cv916MEF and *Bon Kieu, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: CV-07-756 for purposes of discovery and trial and grant their Amended Motion to Consolidate.

Respectfully Submitted,

s/ D. Kirby Howard, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Done this day of November, 2007.

s/ D. Kirby Howard, Jr.

COUNSEL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BON KIEU.)	
)	
Plaintiff.)	
)	
v.)	CIVIL ACTION NO.
)	07-0756-BH-B
DALE CUNNINGHAM. GREYHOUND)	
LINES, INC., ET AL..)	
)	
Defendants.)	

ORDER

This action is before the Court on a motion (Doc. 5) filed by Greyhound Lines, Inc. and Dale Cunningham, the named defendants herein, to transfer this action to the United States District Court for the Middle District of Alabama, Eastern Division. Although the plaintiff, Bon Kieu, was directed on October 29, 2007 (Doc. 6) to "**SHOW CAUSE** in writing **on or before November 12, 2007**, why this motion ought not to be granted," he has neither filed any objection to the transfer nor requested an extension of time within which to do so. The Court must, therefore, accept plaintiff's lack of response as an acquiescence in the requested transfer. Consequently, it is **ORDERED** that defendants' motion to transfer be and is hereby **GRANTED** for the reasons stated therein and that the Clerk of this Court take such steps as are necessary to transfer this action to the United States District Court for the Middle District of Alabama, Eastern Division.

DONE this 20th day of November, 2007.

s/ W. B. Hand
SENIOR DISTRICT JUDGE

